UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,667	03/06/2002	Thomas B. Lewis	538.02	3833

7590 05/27/2005		EXAMINER	
Malcolm B. Wittenberg		RAMAKRISHNAIAH, MELUR	
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Suite 1150		ART UNIT	PAPER NUMBER
Four Embarcadero Center		2643	
San Francisco, CA 94111			

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on __5|19|05__ is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☐ 1. Amendments to the specification:
   ☐ A. Amended paragraph(s) do not include markings.
   ☐ B. New paragraph(s) should not be underlined.
   ☐ C. Other_____

☐ 2. Abstract:
   ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
   ☐ B. Other_____

☐ 3. Amendments to the drawings: _____

☒ 4. Amendments to the claims:
   ☐ A. A complete listing of all of the claims is not present.
   ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
   ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
   ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
   ☒ E. Other: __See attachment__

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf.

If the non-compliant amendment is a PRELIMINARY AMENDMENT, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a NON-FINAL OFFICE ACTION (including a submission for an RCE), and since the amendment appears to be a bona fide attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

If the amendment is a reply to a FINAL REJECTION, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Xarie Roberson
Legal Instruments Examiner (LIE)

__571/272/7278__
Telephone No.

Rev. 6/04

_10/092 667_
Serial Number

___ Canceled claims cannot show text of claim.

___ "Amended" is not a proper status identifier.

___ Amendments to the Specifications should begin on a separate page.

X Amendment to the Claims should begin on a separate page.

___ "Remarks" should begin on a separate sheet.

X The "Cover Sheet", amendments to the "Specifications", amendments to the "Claims", and "Remarks" should each begin on a separate sheet.

___ Only "Currently Amended" and "Withdrawn" claims can show markings.

___ Drawings should each have "Replacement Sheet(s)" or "Annotated Sheet(s)" as a heading.

___ "Previously Added" is not a proper status identifier.

___ "Previously Amended" is not a proper status identifier.

___ A Clean copy and A Marked Up copy of the Claims is a Non-Compliant amendment Format.

___ "Re-Presented" is an improper status identifier.

___ "Claims _____ have been cancelled" is an improper status identifier.

___ "Currently Amended claims must show markings.

___ <u>A Clean copy and a Marked Up copy of Substitute Specification is needed.</u>

___ <u>Amendments to the Specifications must be by marked-up replacement paragraphs or sections only; (no clean or replacement paragraph or section is required; No replacements sheets permitted.</u>

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REVISED AMENDMENT PRACTICE HIGHLIGHTS

Requirements of the revised amendment practice of the final rule for all amendments filed on or after <u>July 30, 2003</u> :

1. Each amendment section <u>must begin on a separate sheet</u>

2. A <u>separate "clean" version</u> of a currently amended paragraph or claim is NO LONGER REQUIRED (except for a <u>substitute specification</u> – see No. 5 below)

3. If the amendment adds, changes, or deletes any claim, a <u>listing of all claims</u> that are, or were, in the application, must be provided as follows:

    - The claims must be listed in <u>ascending numerical order</u>

    - The <u>text of all pending claims including withdrawn claims must be presented</u>; no text for "canceled" or "not entered" claims

    - A <u>status identifier</u> must be presented in parentheses after the claim number for each claim; only the following identifiers are permitted: (original), (currently amended), (canceled), (withdrawn), (new), (previously presented), and (not entered)

    - All "currently amended" claims must have <u>markings</u> to show changes; the only markings permitted are underlining for added matter, strikethrough and double brackets [[ ]] (for five or fewer characters) for deleted matter

    - Grouping of consecutive "canceled" or "not entered" claims permitted (e.g., claims 2-8 (canceled))

5. Amendments to the specification by <u>marked-up replacement paragraphs or sections only</u> - no clean replacement paragraph or section is required; <u>NO</u> replacement <u>sheets</u> permitted

    - Note, however, that for <u>substitute</u> specifications, rule 1.125 continues to require both a clean and marked-up copy

6. <u>Drawing changes</u> without markings - clean replacement drawing sheets only – annotated sheet(s) showing changes may be submitted